

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:07-CV-199-DCK**

CAROLYN EVANS,

Plaintiff,

v.

**RETIREMENT PLAN FOR HOURLY
EMPLOYEES REPRESENTED BY UNION
OF NEEDLETRADES, INDUSTRIAL AND
TEXTILE EMPLOYEES, A.F.L, C.L.C.,
LOCAL 630**

Defendant.

ORDER

THIS MATTER IS BEFORE THE COURT on “Defendant’s Motion To Set Aside Entry Of Default And Motion For An Enlargement Of Time To Answer Or Otherwise Respond To Plaintiff’s Complaint” (Document No. 10) and “Defendant’s Brief In Support...” (Document No. 11) filed October 5, 2007. Plaintiff has filed no response and Defendant’s motion indicates that Plaintiff informed counsel for the Defendant that it would not file a response to these motions. This matter has been assigned to the undersigned Magistrate Judge pursuant to 28 U.S.C. §636(b) and is now ripe for review.

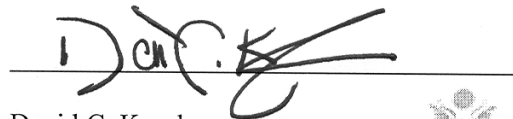
Having fully considered the arguments, the record, and the applicable authority, the undersigned will grant Defendant’s motions. Upon review of the Defendant’s motions and brief in support, and noting that Plaintiff has declined to oppose the motions, the undersigned finds that good cause exists to set aside the “Entry of Default” (Document No. 7). The undersigned finds that Defendant’s failure to respond to the Complaint was the result of excusable neglect and that

additional time to answer or otherwise respond to the "Complaint" (Document No. 1) is appropriate.

IT IS, THEREFORE, ORDERED that the "Entry of Default" (Document No. 7) shall be **SET ASIDE**.

IT IS FURTHER ORDERED that Defendant shall have until **November 30, 2007** to answer or otherwise respond to the Complaint in this matter.

Signed: October 30, 2007

A handwritten signature in black ink, appearing to read "D.C. Keesler", is written over a horizontal line.

David C. Keesler
United States Magistrate Judge

